

**AMENDMENTS TO THE DRAWINGS**

Corrected drawing sheets for FIGS. 1-6, 8, 10, 11, 12, 21-24, 27, and 31 are enclosed.  
These figures have been amended to overcome the objections raised by the Examiner.

Attached are (10) pages of replacement drawing sheets.

## **REMARKS**

Reconsideration of this application is respectfully requested.

### **I. Status of the Claims**

Claim 9 is presently canceled and claims 2-5 and 18 were previously canceled without prejudice or disclaimer. Claims 8, 10, 11, 15-17, 19, 20, 22 and 23 were previously restricted by the Examiner and are withdrawn from consideration. New claim 26 is added without the addition of new matter.

Upon admission of this amendment, claims 1, 6-8, 10-17 and 19-26 will be pending in the application. Claim 1, 6-7, 12-14, 21 and 25-26 are currently examined.

### **II. Information Disclosure Statement (IDS)**

Applicants thank the Examiner for indicating that the art cited in the IDS filed September 5, 2008 has been considered. This IDS replaces the IDS filed without the appropriate fee on February 5, 2008.

### **III. Specification**

The substitute Specification filed January 7, 2009 has not been entered by the Examiner. The Examiner asserts that the substitute Specification introduces new matter while not overcoming all the objections. Specifically, the Examiner contends that the term "nail tip escapement" is no longer explicitly defined and that the description of fake nails has been omitted. Therefore, Applicants submit a new substitute Specification, making every effort to overcome the Examiner's objections. Applicants have amended the Specification to include in the Detailed Description of the presently filed substitute Specification the text deleted from page 10 of the marked-up copy of the non-entered substitute specification filed January 7, 2009, in order to overcome the Examiner's objections. The specific definition of "nail tip escapement" and discussion of fake nails is now included. (See for example, page 29 of the marked-up copy of the substitute Specification).

The Abstract is objected to because of minor informalities in grammar and the third sentence is redundant. Applicants submit a revised Abstract as the last page of the substitute Specification and have corrected these informalities. Applicants believe they have overcome the Examiner's objections to the Abstract.

The disclosure is objected to for various informalities. For example, "Disclosure of the Invention" should be "Summary of the Invention" and on page 31, line 19, "21" should be "38. The text "Best Mode..." should be replaced with "Detailed Description." These informalities are corrected in the presently presented substitute Specification.

The Examiner objects to the use of a "variety of terms" for the wrapping body, such as "package" and "wrapping container." Applicants have amended the Specification to eliminate the term "package"; however, Applicants point out that the wrapping container (50) is distinct from wrapping body (51), and thus, these terms have not been changed.

The Examiner has raised an objection to the Summary of the Invention section, contending that the description of the claimed invention and invention of the claims are not commensurate in scope, as required by MPEP § 608.01(d). Applicants respectfully point out that as written the Summary of the Invention was drafted around the original claims. MPEP § 608.01(d) requires that the Summary of the Invention "should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed." See 37 CFR § 1.73. Therefore, the Summary of Invention is written to describe the original claims and, thus, is commensurate with the invention as originally claimed. Applicants are required to modify the brief Summary of the Invention and to restrict the descriptive matter so that they are confined to and in harmony with the invention to which the allowed claims are directed. See MPEP § 1302.01. Upon allowance of claims, the Applicants will, at that time, amend the Summary of the Invention to be commensurate with the allowed claims, if required.

#### **IV. Drawings**

The Examiner has not entered the drawings received August 29, 2008, since the drawings are described by the non-entered substitute Specification filed the same day. Applicants request that the presently filed substitute Specification be entered and that the presently filed drawings be accepted. A detailed description of the amendments to the drawings follows below.

Figures 2-4 are objected to because the labels X-X, Y-Y, and Z-Z should be avoided and should be Roman or Arabic numerals, not letters. Applicants have amended the cross-sectional lines in Figures 2-4 to have Roman numeral labels I-I, II-II, and III-III, respectively.

Figures 13A-D do not show a diagram as set forth on page 15 of the original Specification. Applicants amend the substitute Specification to accurately describe figures 13A-D. See, e.g., page 16 of Applicants' substitute Specification.

In Figures 1, 4, 5, 6 and 8, the line from (8) has been made a dashed line to denote underlying structure.

In Figures 10-12, the arrow from (8) has been replaced with a line clearly denoting the structure.

In Figure 20, the lines from (38) and (39) are now arrows.

In Figure 27, (6) now clearly denotes the cavity.

Figure 31 has been labeled as "Prior Art."

Applicants believe that they have addressed all objections to the drawings raised by the Examiner.

**V. New Claim**

New claim 26 is added. No new matter is added. Support for new claim 26 may be found, e.g., at page 37 of Applicants' original Specification as filed.

**VI. Claim Objections**

Claims 1, 6-7, 9, 12-14, 21 and 24-25 are objected to because of various informalities, discussed in turn, below. Claim 9 is presently canceled, and thus, the objections to claim 9 are moot.

Applicants amend claim 1 to replace the word "that" with "and", as suggested by the Examiner, at line 15.

At line 19, Applicants further amend claim 1 to recite, "wherein the finger restriction portion is defined by two facing portions of a fold formed in the opposite face near the second edge of the interlabial pad and extending toward the center of the interlabial pad that are directly bonded to each other at least at a respective portion thereof so that the fold includes the cavity." Applicants submit that this amendment overcomes the Examiner's objection to the phrase "of the cavity...pad."

At line 29, Applicants amend claim 1 to delete the first instance of the word "protruding."

Applicants also amend claim 21 as required by the Examiner. As amended, Applicants respectfully submit that claim 21 is not redundant to claim 1, since claim 21 further narrows claim 1 to require that the mini-sheet is specifically arranged "opposite to the cavity opening."

Applicants believe that they have addressed each of the Examiner's objections to the claims.

## VII. Rejections under 35 U.S.C. § 112

Claims 1, 6-7, 9, 12-14, 21 and 24-25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner objects to the use of the term “a length of a **longitudinal centerline**” (emphasis added), contending that such a limitation is not supported by the original disclosure. Applicants amend claim 1 to delete this term, and to require that the interlabial pad have “**a substantially rectangular** shape comprising: a face adapted to face a body; an opposite face adapted to face a garment; first and second edges at opposing terminal end edges of a **longitudinal direction** of the entire interlabial pad” (emphasis added). Applicants submit that support for the limitation of “a substantially rectangular shape” may be found for example, with reference to the Figures, e.g., FIGs. 1 and 5.

Applicants respectfully submit that because the interlabial pad has a substantially rectangular shape, any portion of the interlabial pad would have substantially the same length in the longitudinal direction. Thus, a limitation reciting a length in the longitudinal direction, such as, e.g., “a maximum length of 50% to 80% of a maximum length of the longitudinal direction” is definite. Further, as discussed in Applicants’ Response of May 5, 2008, Applicants submit that the length ranges are disclosed in a section of the Specification entitled “Dimension of the interlabial pad,” which generally describes these inventions (see, e.g., page 29, line 17 through page 30, line 16 of the originally filed Specification). As no particular limitations are disclosed restricting any portions of the ranges to any particular embodiments of the invention, Applicants submit that values within the disclosed ranges must be suitable for any of the disclosed embodiments of the invention. Applicants therefore submit that the specification provides adequate support for each of claims 6-7, 12-14, 21 and 24-25.

Accordingly, Applicants respectfully request that the rejection of claims 1, 7, 9, 12-14, 21 and 24-25 under 35 U.S.C. § 112, first paragraph be withdrawn.

### **VIII. Claim Language Interpretation**

The Examiner asserts that first and second edges at opposing ends on lines 5-6 of claim 1 are still not required to be terminal end edges of the pad. Further, the Examiner contends that the extent of each opposing end with regard to the overall extent of the pad have not been set forth. Applicants amend claim 1 to recite: "first and second edges at **opposing terminal end edges** of a longitudinal direction of the **entire interlabial pad**" (emphasis added). Applicants respectfully submit that this amendment further clarifies claim 1. Applicants also amend claim 1 to require that the protruding portion (2) of the interlabial pad extend "in the longitudinal direction from the first **terminal end edge** to the second **terminal end edge** of the interlabial pad" (emphasis added). Applicants submit that this amendment clarifies the extent of each opposing end of the protruding portion with regard to the overall extent of the interlabial pad.

The Examiner asserts that the specifics of the direct bonding of the folds in claim 1 have not been claimed. For example, the Examiner contends that the claim does not require "direct but not monolithic bonding of portions which are spaced or separated from one another, i.e. can be coextensive portions of fold." Applicants believe that claim 1 clearly sets forth that opposing sides of the claimed fold are directly bonded to each other over at least a portion of the fold. Therefore, Applicants respectfully request that the Examiner provide further clarification of her interpretation of the claim language.

The Examiner contends that "with regard to lines 20-22 [of claim 1]..such do not require narrowing from one end of the cavity to the other and/or from the cavity opening to the finger restriction portion only just some narrowing of some portion in the direction from the first edge to the second edge." Applicants amend claim 1 to recite, "a cross-sectional area of the cavity is narrowed along the longitudinal direction of the interlabial pad in a direction proceeding from the **first terminal end edge** of the mini-sheet toward the **second terminal end edge** of the mini-sheet, such that the fingertip of the wearer that is inserted can be stopped." Applicants respectfully submit that the amendment clarifies that claim 1 does require narrowing from one end of the cavity toward the finger restriction portion.

The Examiner states that “a length” is not required to be the entire length. To clarify that the claims are directed to an entire length, Applicants amend claim 1. Amended claim 1 requires that the mini-sheet have a maximum length of 50% to 80% of the maximum length in the longitudinal direction of the opposite face (interlabial pad). Applicants have similarly amended claim 6 to recite a “maximum length.”

**IX. Rejections under 35 U.S.C. §§ 102, 103**

Claims 1, 6-7, 9, 12-14, and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Publication No. WO 99/01093 to Wierlacher. Claims 24-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wierlacher or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Wierlacher. Applicants respectfully traverse these rejections. Applicants have canceled claim 9 and thus the rejection of claim 9 is moot.

The Examiner contends that Wierlacher discloses each and every aspect of Applicants’ invention as claimed in claim 1. Applicants respectfully disagree.

Applicants’ amendment of claim 1 to specify that the first and second edges are at opposing terminal end edges of a longitudinal direction of the entire interlabial pad obviates the Examiner’s assertion that Applicants’ arguments are narrower than the language included in the claims.

Further, Applicants’ amended claim 1 recites that the protruding portion 2 of the interlabial pad “extends in the longitudinal direction from the first terminal end edge to the second terminal end edge of the interlabial pad” (emphasis added). Amended claim 1 makes clear that Applicants’ protruding portion 2 extends along the entire length of the interlabial pad, a feature which is neither taught nor made obvious by Wierlacher.

In contrast, Wierlacher’s portion 50 defines a protruding portion that is confined to the middle portion 42 of Wierlacher’s absorbent article.



The Examiner further asserts that Wierlacher discloses Applicants' mini-sheet, which has a maximum length in the range of 50% to 80% of the maximum length of the opposing sheet. The Examiner points to Wierlacher's Figures and the last three lines of page 26, "i.e. 50% or less...", which describe the length of the handling aid of Wierlacher, stating that the ranges overlap. Applicants respectfully disagree.

Applicants' amended claim 1 specifies that the mini-sheet has a maximum length of 50% to 80% of the maximum length in the longitudinal direction of the opposite face (interlabial pad), thereby clarifying the size range of the claimed mini-sheet. Applicants therefore reapply their previous arguments that Wierlacher's element 58 as depicted in FIG. 2 of Wierlacher fails to anticipate Applicants' mini-sheet. Wierlacher, in contrast, teaches that it is preferable that the handling aid delimited by element 58 extend "over less than 10% of [the] length [of the absorbent article]" (emphasis added). *See*, the last three lines of page 26, which were cited by the Examiner.

Moreover, Applicants' mini-sheet extends "from the second edge of the interlabial pad to an intermediate position along the longitudinal direction between the first and second terminal end edges of the interlabial pad", as claimed in claim 1. Applicants' amended claim 1 clearly specifies that the second edge of the interlabial pad is at an "opposing terminal end edge of the entire interlabial pad", thereby clarifying in response to the Examiner's claim language interpretation, that the second edge is at the terminal edge of the article, and clearly distinguishing Applicants' article from that of Wierlacher. Specifically, Wierlacher's element 58 extends only a short distance along the interior of Wierlacher's longitudinal direction, and does not extend to a longitudinal, terminal end edge of Wierlacher's absorbent article.

Thus, Applicants submit that Wierlacher's element 58 fails to meet the elements claimed for Applicants' mini-sheet as claimed in claim 1.

Moreover, Applicants again argue that Wierlacher fails to disclose Applicants' finger restriction portion that is near the second edge of the interlabial pad. While Applicants acknowledge that the term "near" is a relative term, as pointed out by the Examiner, Applicants

nevertheless submit that the Wierlacher's device effectively restricts finger insertion to a point adjacent to Wierlacher's portion 48, which is located inwardly more than a third of distance along a longitudinal centerline of Wierlacher's absorbent article. Applicants therefore submit that Wierlacher cannot be considered to have a finger restriction portion (portion 48) that is located near a second edge of the article, where that second edge is located at a terminal end edge of a longitudinal direction of the entire interlabial pad, as recited by claim 1.

Further, Applicants again submit that Wierlacher fails to teach or suggest Applicants' claimed first and second planar portions of the opposing face that are "substantially planar to one another." The Examiner suggests that the surfaces 20a and 20b of Wierlacher read on Applicants' first and second portions. Applicants respectfully disagree. Wierlacher neither describes nor suggests any geometrical relationship between the surfaces 20a and 20b that indicates parallelism. Moreover, Applicants submit that it cannot be said that each of surfaces 20a and 20b are positioned at sides of a protruding portion of the article. The Examiner suggests that surfaces 20a and 20b are located at the sides of ridge 50. However, surfaces 20a and 20b cannot together be said to each be on a side of a protruding portion of ridge 50. For example, if surface 20a is considered to be on one side of a protruding portion of ridge 50, Applicants submit that that surface 20b must be considered to be on a side of another sunken or concave portion of ridge 50. Conversely, if surface 20b is considered to be on one side of a protruding portion of ridge 50, Applicants submit that that surface 20a must be considered to be on a side of another sunken or concave portion of ridge 50. In either case, both of surfaces 20a and 20b cannot be said to be on sides of a single, common "protruding portion" of ridge 50.

Thus, for at least the above reasons, Applicants respectfully submit that claim 1 is neither anticipated by nor made obvious by Wierlacher and is in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b).

Since each of claims 6-7, 12-14, 21, 24 and 25 either directly or indirectly depend from allowable claim 1, Applicants submit that they are also allowable, for at least this reason.

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Applicants respectfully request withdrawal of the rejections of claims 6-7, 12-14, 21, 24 and 25 under 35 U.S.C. §§ 102, 103.

**CONCLUSION**

This is a response to the Final Office Action mailed April 1, 2009. It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

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Respectfully submitted,

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